

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

DIRECTPACKET RESEARCH, INC.,

Plaintiff,

v.

POLYCOM, INC.,

Defendant.

Civil Action No. 2:18-cv-00331-AWA-RJK

**DEFENDANT POLYCOM, INC.’S MOTION TO TRANSFER VENUE PURSUANT TO
A VALID AND ENFORCEABLE FORUM SELECTION CLAUSE**

Pursuant to 28 U.S.C. § 1404(a) and the forum selection clause governing the U.S. Reseller Agreement between the parties, Defendant Polycom, Inc. (“Polycom”) moves to transfer this action to the Northern District of California. As set forth more fully in the accompanying Memorandum and supporting exhibits and declarations, this case should be transferred because Plaintiff directPacket Research Inc. (“directPacket”), through its alter ego, agreed to a reasonable and mandatory, and therefore enforceable, forum selection clause requiring the parties to litigate disputes in the federal or state courts of California. That forum selection clause applies to the instant dispute.

Date: February 15, 2019

Respectfully submitted,

/s/

William R. Poynter (VSB No. 48672)

Kaleo Legal

4456 Corporation Lane, Suite 135

Virginia Beach, VA 23462

757.238.6383

757.304.6175 (facsimile)

wpoynter@kaleolegal.com

Goutam Patnaik (*pro hac vice*)
Tuhin Ganguly (*pro hac vice*)
Ryan H. Ellis
Pepper Hamilton LLP
Hamilton Square
600 Fourteenth Street, N.W.
Washington, DC 20005-2004
202.220.1200
202.220.1665 (facsimile)
patnaikg@pepperlaw.com
gangulyt@pepperlaw.com
ellisr@pepperlaw.com

Suparna Datta (*pro hac vice*)
Brittanee L. Friedman (*pro hac vice*)
Pepper Hamilton LLP
19th Floor, High Street Tower
125 High Street
Boston, MA 02110-2736
617.204.5100
617.204.5150 (facsimile)
dattas@pepperlaw.com
friedmbr@pepperlaw.com

William E. Devitt (*pro hac vice*)
John A. Marlott (*pro hac vice*)
Rita J. Yoon (*pro hac vice*)
Jones Day
77 West Wacker Drive
Chicago, IL 60601
312.782.3939
312.782.8585 (facsimile)
wdevitt@jonesday.com
jamarlott@jonesday.com
ryoon@jonesday.com

Yury Kalish (VSB No. 87680)
Jones Day
51 Louisiana Avenue, N.W.
Washington, D.C. 20001
202.879.3939
202.626.1700
ykalish@jonesday.com

Counsel for Defendant Polycom, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of February 2019, I caused the foregoing document to be electronically filed with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following registered counsel for Plaintiff:

Terence P. Ross
Christopher B. Ferenc
Sean Scott Wooden
KATTEN MUCHIN ROSENMAN LLP
2900 K Street, N.W.
Suite 200
Washington, D.C. 20007
Telephone: (202) 625-3500
Fax: (202) 298-7570
terence.ross@kattenlaw.com
christopher.ferenc@kattenlaw.com
sean.wooden@kattenlaw.com

Yashas Kedar Honasoge
KATTEN MUCHIN ROSENMAN LLP
525 W Monroe St, Suite 1600
Chicago, IL 60661-3693
Telephone: (312) 902-5200
Fax: (312) 902-1061
yashas.honasoge@kattenlaw.com

Stephen Edward Noona
KAUFMAN & CANOLES, P.C.
150 W. Main St.
Suite 2100
Norfolk, VA 23510
Telephone: (757) 624-3239
Fax: (888) 360-9092
senoona@kaufcan.com

/s/

William R. Poynter (VSB No. 48672)
Kaleo Legal
4456 Corporation Lane, Suite 135
Virginia Beach, VA 23462
757.238.6383
757.304.6175 (facsimile)
wpoynter@kaleolegal.com